

Part 024-1

From: Carmen Santos/R9/USEPA/US
To: "David Regonini" <david.r@wt-us.com>
bcc: Carmen Santos/R9/USEPA/US

Date: Monday, September 15, 2008 02:19PM
Subject: Washington Park - WTI's September 11, 2008 Letter

History: ➔ This message has been forwarded.

Greetings, David:

Thank you for your September 11, 2008 letter that I received on September 12. In terms of commentary, I offer the following:

In general WTI's proposed contingencies seem reasonable.

Some of the points made in the letter regarding the cap system seem not fully consistent with our September 9 discussion. The concrete cover that WTI proposes to install over the trench area (i.e., referred to previously as the contaminated area) is a great idea. Still the cap requirements in 761.61(a) need to be fulfilled. The regulations at 761.61(a) does allow the use of a compacted soil cap with a minimum thickness of 10 inches that meets the requirements of both 40 CFR 264.310(a) (cap requirements for landfills) and 761.75(b)(1)(ii) through 761.75(b)(1)(v). WTI is proposing the compacted soil cap as the cap for the trench area. The soil cap will need to be maintained in the future as required in 264.310(a) and 761.61(a) (7). The regulations do not waive this requirement based on a cap thicker than the minimum thickness specified in the regulations.

The survey of the trench area (previously referred to as the contaminated area) as well as each of the areas where storm water basins will be located in Lot 3 should be conducted and completed before placing the engineered fill over the entire Lot 3. EPA does not find it acceptable surveying these areas after they have been filled as proposed in WTI's September 11 letter. The purpose of the survey is to provide accurate coordinates for the trench area and planned basin areas before they are filled to facilitate accurate identification of these locations or areas after placement of the fill and before conducting the necessary additional soil characterization. Such survey, the one prior to placing the fill over Lot 3, need to be incorporated into the deed notice.

Based on the above comments and in addition to what is already proposed in the July 22 Amendment and September 11 letter, the deed notice should include the procedures and schedule to maintain the cap. As to the amount of maintenance necessary for the cap please refer to 40 CFR 264.310(a) which makes a great point: the cap must function with minimum maintenance. Based on the description of the soil cap proposed for the trench area in conjunction with the concrete barrier at the bottom of the excavation (if contamination remains above 1 ppm but below 10 ppm PCBs under 761.61(a)) the cap may meet the requirement of a cap that functions with "minimum maintenance" provided the requirements at 761.61(b) (1)(ii) through (b)(1)(v) are met.

WTI needs to demonstrate the chosen engineered fill meets the requirements of 761.61(b)(1)(ii) through (b)(1)(v) to ensure the compacted soil cap meets these requirements as well.

Regardless of whether 761.61(a) or 761.61(c) is used to manage PCB contamination below 10 ppm or at and above 10 ppm, respectively, a cap and deed notice would still be required. Under the risk based option the cap will help make determinations as to the completeness or incompleteness of pathways of exposure to PCB contamination remaining in soils in the trench area at Lot 3.

The additional soil characterization sampling should be based on collection of discreet samples and closely following Subpart N requirements in order to use the flexibility of composite samples in Subpart O.

The summary paragraph under "Sequence and Description of the Work" does not make reference to the six

(6) borings that are proposed to be drilled around the perimeter of the trench area. So, it is understood that a total of nine (9) borings are proposed to be drilled in the trench area: three (3) in the middle of the trench and six (6) around the perimeter of the trench.

Regarding the detention basins, the September 11 letter proposes to construct a "concrete cap" above soils that may remain contaminated with PCBs above 1 ppm but less than 10 ppm. Please clarify if the "concrete cap" is the basin itself. How the integrity of such barrier will be kept in light of drainage systems to be constructed as part of the detention basin system.

I anticipate EPA's approval letter will be finalized this week. I will be back in the office on September 16. Please call me if you have any questions regarding this message. Thank you.

Sincerely,

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